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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 DEANDRE S. GAITHER; JASON L.
11 JONES; KORY A.J. HALL; TONY L.
12 BRAMLETT; JOSEPH L. DAVIS;
13 ROBERT Y.L. RUSHING; RONNIE
14 T. SIMMS; DAVID L. WOMACK;
15 VONDERICK NOBLE; SAM G.
16 WARD; RONALD E. GARDNER;
17 TAKIYAH R. GAYLE; STAFONE N.
18 FUENTES; CIERRA C. WHITE;
19 ELIZABETH I. WEISTER;
20 KATHRYN L. LUST-LIGGINS;
JERRELYN L. COMSTOCK;
KENNETH R. BUDIK; COURNTEY
D. VAUGHN, CALVIN B. MASON;
DYON L. BRAMLETT; GILBERT A.
CRAWLEY; BRETT A. LUTON,
MICHAEL A. KING; JASON C.
BROWN; TODD ANDRY; SEAN M.
ALLEN; SEAN L. LAMBERT;
AARON C. BROWN; RASHJEL G.
CAGE; and NICHOLAS P.
MADDOX,

Defendants.

NO: 2:14-CR-21-RMP-10

ORDER GRANTING MOTION TO
EXPEDITE AND DENYING IN PART
MOTION FOR REVIEW

****MARSHAL ACTION REQUIRED****

1 Before the Court is the U.S. Government's Motion for Review of the
2 Magistrate Judge's Order Setting Conditions of Release, ECF No. 386, and Motion
3 to Expedite the same, ECF No. 387. A hearing was held on March 19, 2014, with
4 the Government represented by AUSA Jared Kimball, and the defendant
5 represented by Adrienne Thommes.

6 The Court reviewed the Government's motion, supporting exhibits,
7 including Government's Exhibit 6, Detective Miller's report; Government Exhibit
8 5, Corporal Matthew J. Rose's declaration; and Government Exhibit 7, an FBI
9 report; as well as viewed Government Exhibits 1-5-4, which were photos of Mr.
10 Ward's tattoos. The Court also reviewed letters of support submitted on behalf of
11 Mr. Ward, and Defendant's Response Memorandum, ECF No. 407, as well as the
12 Pretrial Services Report, ECF No. 349.

13 The Government challenged United States Magistrate Judge John T.
14 Rodgers' decision to release Defendant pending trial. The Government
15 emphasized that the Defendant's release would create a danger to the community
16 rather than emphasizing a concern of risk of flight. In particular, the Government
17 argued that the Defendant is accused of distributing especially dangerous
18 controlled substances, such as PCP. The Court invited the Government to submit
19 supplemental authority establishing that the nature of the alleged drug related
20 criminal activity supports a court's conclusion that a defendant presents a risk of

1 danger to the community. The Government did submit authority from other
2 circuits that addressed that issue.

3 Having fully considered all of the materials and having conducted a *de novo*
4 review without deference to the Magistrate's findings but considering the factors
5 outlined in 18 U.S.C. § 3142, the Court concurs with Magistrate Rodgers' order.
6 The Court finds that Defendant has a long history in the community as well as
7 strong family ties. Although there is credible evidence regarding the controlled
8 substance violation that is alleged against the Defendant, and the Defendant has a
9 prior controlled substance conviction, that prior conviction was seven years ago
10 and all of his subsequent criminal history is comprised of charges of driving while
11 his license was suspended.

12 The Court finds that the Government has not established by the required
13 preponderance of evidence that there is an absence of condition or combination of
14 conditions that would reasonably assure that Mr. Ward would be present at trial,
15 considering his strong community and family ties. In addition, the Court finds that
16 the Government has not established by clear and convincing evidence that Mr.
17 Ward poses a present risk to the safety of other persons or the community beyond
18 the generalized risk created by being involved in activities related to controlled
19 substances.

1 Therefore, the Court concurs with Judge Rodgers' March 18, 2014, decision
2 and will allow Mr. Ward's release subject to all of the conditions previously set by
3 Judge Rodgers in ECF No. 375.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. The Government's Motion to Expedite Hearing, **ECF No. 387**, is

6 **GRANTED.**

7 2. The Government's Motion for Review, **ECF No. 386**, is **GRANTED**,

8 but the Government's Motion to Detain Defendant is **DENIED.**

9 The District Court Clerk is directed to enter this Order and provide copies to
10 counsel.

11 **DATED** this 20th day of March 2014.

12 *s/ Rosanna Malouf Peterson*

13 **ROSANNA MALOUF PETERSON**
14 Chief United States District Court Judge